



**MINUTES OF A REGULAR MEETING OF THE  
UPLAND PLANNING COMMISSION  
WEDNESDAY, DECEMBER 9, 2020  
AT 6:30 P.M.**

**1. CALL TO ORDER OF THE PLANNING COMMISSION REGULAR MEETING**

*Chair Aspinall* called the Regular Meeting of the Upland Planning Commission to order at 6:35 P.M.

**2. PLEDGE OF ALLEGIANCE**

The pledge of allegiance was led by *Commissioner Anderson*.

**3. ROLL CALL**

MEMBERS PRESENT: *Chair Aspinall, Vice Chair Schwary, Commissioners Anderson, Caldwell, Grahn, Mayer, and Shim*

MEMBERS ABSENT: *None*

ALSO PRESENT: *Development Services Director and Planning Commission Secretary Dalquest, Contract Planning Manager Poland, Associate Planner Winter, Deputy City Attorney Shah, and Senior Administrative Assistant Davidson*

This Planning Commission meeting was conducted pursuant to the Governor's Executive Order N-29-20 which suspended certain requirements of the Brown Act. All Commissioners and staff were present via videoconference. The public was able to observe the meeting via live stream on the City's website or on the public access cable channels. Public comment was taken via telephone.

**4. APPROVAL OF MINUTES**

*Commissioner Mayer* requested correction on Page 8 to reflect "request the applicant fine-tune the earthwork to try to lower the earthwork import quantities" instead of "request the applicant fine-tune the earthwork to try to lower the grading plan".

Moved by *Commissioner Anderson*, to approve the Regular Meeting Minutes of the Planning Commission and Joint Special Airport Land Use Committee meeting of November 18, 2020, as amended.

The motion was seconded by *Vice Chair Schwary*.

The motion carried by the following vote (7-0):

AYES: *Chair Aspinall, Vice Chair Schwary, Commissioners Anderson, Caldwell, Grahn, Mayer, and Shim*

NAYS: *None* ABSTAINED: *None*

ABSENT: *None*

**5. COUNCIL ACTIONS**

*Development Services Director Dalquest* reported the City Council met on November 23<sup>rd</sup> and approved the Second Reading of the Accessory Dwelling Unit Ordinance which will go into effect in 30 days. He reported a Public Hearing was held to consider minor modification to the comprehensive Wireless Communication Ordinance. He noted some minor typographical changes were amended and approved by Council along with the first reading of the Ordinance. Lastly, he reported a policy discussion took place to discuss land use regulations for warehouse facilities where nine (9) parcels were identified with a potential to house a 50,000 square foot industrial building or warehouse. He noted the policy discussion was continued to January 2021 for further discussion with new members of the Council.

**6. FUTURE AGENDA ITEMS**

*Development Services Director Dalquest* reported the next Planning Commission meeting will be held on January 27, 2021 and there are currently no items scheduled.

**7. ORAL COMMUNICATIONS**

*Chair Aspinall* opened oral communications and seeing no speakers, closed oral communications.

*Senior Administrative Assistant Davidson* provided a brief overview of the guidelines for public participation in meetings during the COVID-19 emergency.

**8. PUBLIC HEARINGS**

**A. DEVELOPMENT PLAN REVIEW NO. 20-0007 (DPR-20-0007). (Continued from November 18, 2020).**

**Project Description:** Consideration of a request to allow a 92,275 square foot warehouse building (86,775 SF warehouse space with 2,750 SF of ground floor office and 2,750 SF of second floor mezzanine) and associated development improvements. The project site is located within the Light Industrial/Business Park (LI-BP) General Plan Designation and Light Industrial (LI) Zone.

Note: This Public Hearing item was continued by the Planning Commission from the Regular Meeting of November 18, 2020, to allow the Applicant additional time to address the Planning Commission's concerns

**Project Location:** 2068 W. 11<sup>th</sup> Street, further described as Assessor's Parcel Number APN 1007-301-01.

*Associate Planner Winter* provided a brief overview of the first Public Hearing on November 18, 2020. He reported the Planning Commission moved to continue the Development Plan Review due to issues identified by the Planning Commission. He provided an overview of Conditions of Approval which identify traffic generation for the project, truck storage, land use, landscaping, grading, and water treatment. Lastly, he provided a brief overview of the Code Enforcement process in relation to the project including the violation and citation process.

*Associate Planner Winter* presented updated renderings of the new colors of the building, provided an updated landscaping plan, and new stormwater mitigation plans which capture 100% of storm runoff. He reported parking will not be allowed in front of the project site. He advised staff recommends the Planning Commission move to adopt a Resolution approving Development Plan Review No. DPR-20-0007, subject to conditions of approval as set forth in the Development Plan Review Resolution dated December 9, 2020.

In response to *Vice Chair Schwary's* inquiry, *Associate Planner Winter* reported the applicant does not want to implement hours of operation as it may limit future tenants. In response to *Vice Chair Schwary's* inquiry, *Development Services Director Dalquest* suggested embedding the truck route into the Conditions of Approval. *Associate Planner Winter* commented citations can be issued to both the truck driver and the property owner.

In response to *Vice Chair Schwary's* inquiry, *Development Services Director Dalquest* reiterated his recommendation of embedding the truck route into the Conditions of Approval. *Chair Aspinall* recommended discussing this topic when the applicant addresses the Planning Commission.

In response to *Commissioner Mayer's* inquiry, *Associate Planner Winter* clarified there will be signage prohibiting the use of Dewey Way in addition to identifying the appropriate route. He confirmed a truck driver can be ticketed by law enforcement for not following the identified route.

In response to *Vice Chair Schwary's* inquiry, *Development Services Director Dalquest* confirmed 11<sup>th</sup> Street was reconstructed by Public Works in 2008 and has 6 inches of pavement over 1 foot of native compacted soil so it is very robust for truck traffic. He noted the applicant will pay a Traffic Impact Fee for their fair share of future repaving of the road.

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In response to *Chair Aspinall's* inquiry, *Development Services Director Dalquest* clarified there are unrestricted truck routes on Monte Vista Avenue, Central Avenue, Foothill Boulevard, and Richton Street to provide access to this industrial area. He explained 11<sup>th</sup> Street is similar to a collector street and the truck route being discussed is the route to access this property.

In response to *Chair Aspinall's* inquiry, *Associate Planner Winter* advised Public Works can explore the parking situation when the Enclave project begins and noted Code Enforcement can cite vehicles that park over 72 hours in one location. *Development Services Director Dalquest* added that the parking issue can be discussed with Public Works, specifically no parking zones.

In response to *Chair Aspinall's* inquiries, *Associate Planner Winter* suggested speaking with the applicant regarding the landscaping plan and advised an employee break area has not been provided. He also explained the City has Noise Ordinance limits of 55 dB(A) in a residential zone and noted the MND found the noise limits will be less than the Ordinance limit. *Development Services Director Dalquest* clarified the project will not exceed the residential standard.

*Vice Chair Schwary* commented he wants to be sure the consequences for not following the truck route is serious enough to be a deterrent.

*Commissioner Grahn* requested clarification regarding when notices were sent, what distance from the project notices were sent, and approximately how many notices were provided. He also recommended changing the Landscaping Plan on 11<sup>th</sup> Street be increased from a 24-inch box to a 36-inch box. *Associate Planner Winter* clarified the notices were sent to properties within 500 feet of the radius of the property and only carried out into the Lennar development. He provided a brief overview of the dates and locations of notices. *Senior Administrative Assistant Davidson* reported all of the notices were posted on the City's website.

In response to *Vice Chair Schwary's* previous inquiry, *Development Services Director Dalquest* advised the vehicle code allows visitors to cross a double yellow line into a private driveway.

*Chair Aspinall* opened the public hearing.

*Tony Hayes*, Hunter Landscape, provided a brief overview of the applicant's Landscape Plan. He explained the 24-inch boxes have a faster growth rate. He anticipates a full screen of trees within 10-15 years. *Commissioner Grahn* suggested using a mix of tree sizes to provide different levels of screening. *Tony Spinrad*, applicant, agreed to a variety of tree sizes.

In response to *Chair Aspinall's* inquiry, *Mr. Spinrad* explained trees were omitted from the truck yard due to truck maneuverability. He is willing to put up a wrought iron fence and add a creeping vine for screening. He explained he prefers the outside break area be at the preference of the tenant but would be fine with putting one in as a condition. He would place the outside break area at the north end of the building if necessary. *Development Services Director Dalquest* advised a generic condition of approval could be added to require an employee break area at the northern end of the property.

*Mr. Spinrad* provided a brief overview of the new building colors. *Chair Aspinall* commented the new colors better blend into the surrounding area.

*Mr. Spinrad* explained Yellow Iron Development is agreeable to inserting driving restrictions into the tenant leases and posting signage to make the truck route clear. *Development Services Director Dalquest* reported Yellow Iron Development completed a new Mitigated Negative Declaration (MND) and nine (9) technical studies to provide a higher-level review to the Planning Commission and to residents.

In response to *Vice Chair Schwary's* inquiry, *Mr. Spinrad* reported they intend to follow the proposed hours of operation as determined in the Municipal Code during construction, however, once operational, will need to maintain the ability to have 24-hours operations. He advised it is imperative the building be operational 24-hours per day.

In response to *Commissioner Mayer's* inquiry, *Mr. Spinrad* explained they are not willing to limit hours of operation once operational as it is too limiting for tenants. *Vice Chair Schwary* advised he would like limited hours of operation since it is in a residential area. *Commissioner Mayer* and *Chair Aspinall* concurred.

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In response to *Chair Aspinall's* inquiry, *Mr. Spinrad* believes potential tenants would want to avoid the peak hours. He believes there is already a mechanism in place to address truck trips and does not believe limiting hours of operation is necessary.

In response to *Commissioner Anderson's* inquiry, *Associate Planner Winter* is unaware if there are businesses operating 24-hour per day in the area. He advised other recently approved businesses in the area do not have a limit on operating hours but are not as close to the residential area.

In response to *Chair Aspinall's* inquiry, *Mr. Spinrad* agreed to conduct an information meeting with the Harvest at Upland Homeowners Association (HOA).

In response to *Commissioner Mayer's* inquiry, *Development Services Director Dalquest* clarified ambient noise measurements are 55 dB(A) from 7:00 a.m. to 10:00 p.m. and decreases to 45 dB(A) from 10:00 p.m. to 7:00 a.m. in residential areas. He provided a brief overview of maximum residential noise levels as determined in the Noise Ordinance.

In response to *Commissioner Caldwell's* inquiry, *Development Services Director Dalquest* confirmed Code Enforcement does have access to noise meters and is qualified to use the equipment.

In response to *Commissioner Mayer's* inquiry, *Development Services Director Dalquest* clarified 45 dB(A) after 10:00 p.m. is standard in many city noise ordinances for residential areas. He advised it is uncommon to limit operating hours in an industrial area but this is a unique situation due to the proximity of the Harvest at Upland development.

*Vice Chair Schwary* commented it is difficult to compare this location to a local grocery store accepting deliveries two times per week. He noted there could be multiple trucks at this location in the evening hours several days of the week. He advised that hours of operation is a deal-breaker for him on this project. *Chair Aspinall* acknowledged this is a very unique situation and noted the location has changed since it was zoned industrial.

*Commissioner Mayer* suggested there needs to be a condition that limits night deliveries. *Associate Planner Winter* clarified the total number of four-axle trucks will be 20 (10 in and 10 out), the total number of two-axle and three-axle trucks will be 14 (7 in and 7 out).

*Mr. Spinrad* explained refrigerated trucks going to grocery stores use compressors and run at approximately 69 decibels. He does not feel they should be held to a higher standard than any other project in Upland.

*Vice Chair Schwary* would like to see some sort of compromise in the operating hours to limit the truck deliveries at night. *Mr. Spinrad* explained there is already a cap on traffic which is already a compromise.

Due to the number of speakers, *Chair Aspinall* limited public comments to three (3) minutes per speaker.

*Kevin Ruble* expressed concern regarding truck traffic and while not opposed to the warehouse is opposed to trucks delivering at night.

*Kevin Sabicer* expressed concern regarding truck traffic, noise pollution, and air pollution in the area and feels the project is too close to the residential area.

*Vivian Ruff* expressed concern regarding truck traffic, noise pollution, and air pollution in the area and encouraged the Planning Commission to continue the item for further review.

*Jose Garcia* expressed support for the item and noted it would benefit construction workers in the area.

*Bob Waggoner* expressed concern regarding truck traffic, noise pollution, and air pollution in the area and feels the project is too close to the residential area.

*Juan Serrato*, Laborers' International Union of North America (LiUNA!), expressed support for the item and noted it would benefit construction workers in the area.

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*Jayson Baiz*, Laborers' International Union of North America (LiUNA!), expressed support for the item and noted it would benefit construction workers in the area.

*Clarrissa Shan* expressed concern regarding truck traffic and truck noise in the area.

*Alex Zamora*, Laborers' International Union of North America (LiUNA!), expressed support for the item and noted it would benefit construction workers in the area.

*Bill Quisenberry*, Laborers' International Union of North America (LiUNA!), expressed support for the item and noted it would benefit construction workers in the area.

*Lois Sicking Dieter* expressed concern regarding approving the project without a known tenant and encouraged the Planning Commission to continue the item.

*Timothy Cotran* expressed concern regarding truck traffic, noise pollution, and air pollution in the area and feels the project is too close to the residential area.

*Kristina Cotran* expressed concern regarding truck traffic, noise pollution, and air pollution in the area. She also expressed concern regarding students walking to school in the area.

*Corina James* expressed concern regarding truck traffic, noise pollution, and air pollution in the area and feels it is not a good location for the warehouse.

*Richard Licerio*, Laborers' International Union of North America (LiUNA!), expressed support for the item and noted it would benefit construction workers in the area.

*Natasha Walton* expressed concern regarding the environmental impacts of the project and noted the lack of solar panels on the building.

*Mr. Spinrad* thanked residents for weighing in on the project.

In response to *Vice Chair Schwary's* inquiry, Mr. Spinrad responded he is not open to having no truck deliveries between 10:00 p.m. and 6:00 a.m.

*Chair Aspinall* closed the public hearing.

*Commissioner Mayer* commented the area is zoned for the project but feels there will need to be additional conditions of approval. He commented he is open to limiting the number of night deliveries.

In response to *Commissioner Mayer's* inquiry, *Deputy City Attorney Shah* clarified the rules for approving motions and deliberating the project. *Commissioner Mayer* advised he would be more favorable to a condition that limits trucks in the evening.

*Commissioner Caldwell* expressed concern that the project is incompatible with existing and future housing and feels a 24-hour operation is unacceptable.

*Vice Chair Schwary* expressed his opposition to a 24-hour per day operation.

Moved by *Chair Aspinall* to approve a Resolution approving Development Plan Review No. 20-0007 based upon the findings and subject to conditions of approval as set forth in the Resolution dated December 9, 2020.

The motion died for lack of a second.

Moved by *Commissioner Anderson* to approve a Resolution approving Development Plan Review No. 20-0007 based upon the findings and subject to conditions of approval including the addition of an employee break area, wrought iron fence with climbing vine, every other tree on 11<sup>th</sup> Street be a larger size, and no more than 20% of larger truck traffic be held after the hours of 11:00 p.m. to 5:00 a.m., have a community meeting with Harvest at Upland HOA, and set forth in the Resolution dated December 9, 2020.

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In response to *Vice Chair Schwary's* inquiry, *Deputy City Attorney Shah* confirmed if the project is denied, the applicant and/or residents can invoke the appeal process.

The motion was seconded by *Commissioner Grahn*.

The motion failed by the following vote (2-5):

AYES: *Commissioners Anderson and Grahn*

NAYS: *Chair Aspinall, Vice Chair Schwary, Commissioners Caldwell, Mayer, and Shim* ABSTAINED: *None*

ABSENT: *None*

Moved by *Vice Chair Schwary* to deny a Resolution approving Development Plan Review No. 20-0007.

*Vice Chair Schwary* explained his motion was based on the applicant's requirement to have 24-hour truck traffic.

In response to *Commissioner Mayer's* inquiry, *Deputy City Attorney Shah* clarified if denied, the applicant can appeal the decision to the City Council within ten days.

*Mr. Spinrad* confirmed Yellow Iron Development cannot agree to limited evening truck operations.

*Commissioner Caldwell* expressed her opposition to Finding #4 and feels the noise, traffic, and hours of operation will impact residents.

*Commissioner Mayer* stated his only concern with the project is the hours of operation.

*Chair Aspinall* commented she is unable to approve the project based on hours of operation and noise impacts.

The motion was seconded by *Commissioner Anderson*.

The motion passed by the following vote (6-1):

AYES: *Chair Aspinall, Vice Chair Schwary, Commissioners Anderson, Caldwell, Mayer, and Shim*

NAYS: *Commissioner Grahn* ABSTAINED: *None*

ABSENT: *None*

*Development Services Director Dalquest* commented the item is under the Permit Streamline Act and there is 60 days to take action. He advised staff has enough to draft a resolution to include the findings of the denial. He sees no harm in coming back to the Planning Commission to review the resolution as a future Business Item. The Planning Commission agreed to have the item come back as a future Business Item for review.

Moved by *Chair Aspinall* to continue Item #10A to the next Regular Meeting of the Planning Commission.

The motion was seconded by *Vice Chair Schwary*.

The motion passed by the following vote (7-0):

AYES: *Chair Aspinall, Vice Chair Schwary, Commissioners Anderson, Caldwell, Grahn, Mayer, and Shim*

NAYS: *None* ABSTAINED: *None*

ABSENT: *None*

*Chair Aspinall* recessed the Planning Commission at 9:26 p.m. and reconvened at 9:31 p.m.

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**B. DEVELOPMENT HEARING FOR DEVELOPMENT PLAN REVIEW NO. 20-0008 AND  
TENTATIVE TRACT MAP NO. 20278.**

**Project Description:** Request to allow a seven-story, 60-unit condominium structure over 2 levels of subterranean garage parking on 1.28 acres within the Mixed-Use (MU) Land Use District/Planning Area 4 of The Colonies at San Antonio Specific Plan.

**Project Location:** 1160 E. 19th Street, further described as Assessor's Parcel Number 1044-122-02.

*Contract Planning Manager Poland* provided a presentation on the details of the project, including the request, proposal, and application, location, site history, site plan, parking, architecture style and elements, floor plan options, CEQA, and staff recommendations.

In response to *Vice Chair Schwary's* inquiry, *Contract Planning Manager Poland* explained the finish grade elevation will drop 20 feet from north to south. *Development Services Director Dalquest* clarified the north wing of the building is seven stories and the remainder of the building is six stories.

*Contract Planning Manager Poland* reported this site was always recommended for a multi-family development. He noted that PA4 can accommodate up to 350 multi-family units.

In response to *Chair Aspinall's* inquiries, *Contract Planning Manager Poland* clarified Tentative Tract Map No. 20278 is for condominiums and not for subdividing land. He reported the project site has been rough graded as an infiltration basin to prevent sediment and construction debris from entering the flood control basin to the south. He further advised the applicant's builder is Diversified Properties. He reported enhanced pavement treatment is concrete pavers and tiles around the roundabout at the entryway.

In response to *Commissioner Mayer's* inquiry, *Contract Planning Manager Poland* explained the shade structures are air canopies over the decks but deferred questions to the applicant.

In response to *Chair Aspinall's* inquiries, *Contract Planning Manager Poland* explained there is a slight encroachment for the air canopies which is allowed by the Colonies at San Antonio Specific Plan. He clarified three (3) Americans with Disabilities Act (ADA) stalls and four (4) electric vehicle (EV) parking stalls are all that is required in the Colonies at San Antonio Specific Plan and advised the Planning Commission can request more stalls.

In response to *Commissioner Caldwell's* inquiry, *Contract Planning Manager Poland* clarified there will not be shared guest parking between the two (2) developments. He clarified the tandem spaces would be assigned to the individual tenant and noted there are 1.83 parking spaces per unit. He explained parking in the Colonies at San Antonio Specific Plan differs from the Municipal Code.

In response to *Commissioner Anderson's* inquiry, *Contract Planning Manager Poland* explained PA 4 was labeled multi-family with a maximum of 350 units at a maximum height of 85 feet when the surrounding houses were originally sold. He advised the homeowners should have been advised this project would be built in the future. He further explained the applicant held a Zoom meeting with the HOA Board and noted only one (1) resident provided comments at the meeting. Additionally, he reported public hearing notices were mailed to all property owners within 1,000 of the proposed site. *Development Services Director Dalquest* reported staff met with the applicant to develop the expanded notification area.

*Contract Planning Manager Poland* explained the Planning Commission recommended the City Council approve a modification of the building to 85 feet in 2009.

*Commissioner Anderson* commented the 85 feet is daunting for residents but explained the grading goes down 20 feet.

*Peter Pitassi*, applicant, provided a brief overview of the project, introduced key players, and noted Colonies Partners were intimately involved in creating the Master Plan of the Colonies. He noted the site was always intended for luxury attached housing. He provided an additional detailed description of the site plan including the parking structure. *Mr. Pitassi* confirmed a detailed parking plan will be developed.

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*Mr. Pitassi* reported a grading permit was obtained from the City to complete the excavation and was done at the applicant's risk. He explained the penthouse deck rendering shows how canopies can be installed on the roof decks but are not part of the build. He advised parking assignments is a very elaborate process but noted it is not uncommon to use the fractional parking requirement. Lastly, he advised the planning areas were sold to public builders who were required to make disclosures to their buyers regarding the Colonies at San Antonio Specific Plan.

*Mr. Pitassi* commented that Conditions 131 and 132 deal with the remote availability of surveillance cameras to the Upland Police Department. He advised they do not agree with that condition and cited constitutional privacy laws as the reason. He noted the video would be available if needed as appropriate.

In response to *Commissioner Grahn's* inquiry, *Mr. Pitassi* clarified the stucco finish has not been determined but it may be a smooth or machine finish. He advised sale prices will be determined once the market conditions are known and the property is ready to come to market. He believes the prices will be between \$700,000 and \$3 million and will be marketing to families who no longer need large property maintenance but require a higher-end lifestyle.

*Jeff Burum*, Colonies Partners, provided a brief overview of the properties and the demographics of the typical buyer.

In response to *Commissioner Mayer's* inquiry, *Mr. Pitassi* advised penthouse residents would have the flexibility to add a shade structure to their liking. Commissioner Mayer expressed concern with residents erecting an umbrella which may be taken by the wind, fall seven stories and cause damage or injury. *Mr. Pitassi* advised there will be Covenants, Conditions & Restrictions (CC&Rs) to cover those types of scenarios.

In response to *Vice Chair Schwary's*, *Mr. Pitassi* advised the CC&Rs will cover any of the terraces on the property.

In response to *Commissioner Anderson's* inquiry, *Mr. Pitassi* advised there will be guardrails or something similar on the rooftop terraces at a minimum of 42 inches high above the walking surface.

In response to *Chair Aspinall's* inquiry, *Mr. Pitassi* clarified HOA dues will be based on the size of the unit.

In response to *Commissioner Mayer's* inquiry, *Pieter Berger*, MVE Partners, explained the eastern side of the building is a corridor for circulation and noted there will not be decks or outdoor spaces on this side. *Mr. Pitassi* feels the articulation on this elevation is appropriate for the design. *Commissioner Mayer* commented the east side still lacks what the other side has and feels all sides should be very similar. *Commissioner Caldwell* concurred with *Commissioner Mayer*. *Commissioner Mayer* suggested the rustication should go up a bit higher.

In response to *Commissioner Mayer's* inquiry, *Mr. Berger* clarified the reddish-brown areas are infill panels that elongate the grouping of the windows. He confirmed he would be open to a pre-cast panel with a relief that is more Spanish looking. *Mr. Pitassi* believes the building will be well received as is and is opposed to adding layers of ornamentation. He explained the black color is intended for the tube steel guardrails.

*Commissioner Grahn* believes the developer has done a great job at addressing the articulation.

*Vice Chair Schwary* likes the fact the building is a little different and likes the way it sits on the property.

In response to *Chair Aspinall's* inquiry, *Mr. Pitassi* confirmed the east elevation is directly facing the apartments.

*Chair Aspinall* opened the public hearing.

*Andy Kroner* expressed opposition to the project and does not believe a seven-story building belongs in the area. He also expressed concern that he was not properly notified of the project.

*Bill Melzer* expressed concern regarding the height of the building, potential traffic issues, and parking issues the development may bring.

*Natasha Walton* expressed concern that the Colonies at San Antonio Specific Plan and Environmental Reports were not included in the staff report. She encouraged the Planning Commission to continue the item for further review.

*Mr. Pitassi* commented that the Environmental Impact Report (EIR) was completed in 2002 and an amendment was

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done in 2018 in conjunction with the Woods Partners Project.

In response to *Chair Aspinall's* inquiry, *Contract Planning Manager Poland* clarified that if someone calls in they are provided the public records. He also noted it is not common to attach the entire General Plan or Zoning Code to the agenda packet. He advised those documents are available on the City's website or through a public records request. *Development Services Director Dalquest* further clarified any member of the public is welcome to come in and review the documents.

*Commissioner Mayer* commented that when the Planning Commission is asked to review and approve an EIR or NMD they are provided that information.

In response to *Chair Aspinall's* inquiry, *Mr. Pitassi* reported the landscape architect has developed a plant palette which includes the Coast Live Oak.

In response to *Chair Aspinall's* inquiry, *Mr. Pitassi* reported they can look into the possibility of providing EV connection infrastructure in more than just the code-mandated spaces.

*Vice Chair Schwary* expressed his support for the project and feels it will be good for the City.

*Contract Planning Manager Poland* recommends leaving Conditions 131 and 132 in the resolution subject to further discussion as he has not heard back from the Police Department on the matter.

In response to *Chair Aspinall's* inquiry, *Contract Planning Manager Poland* advised the Police Chief has eliminated the need for a direct video feed to the Police Department. He noted the property just needs to have a video system on-site that maintains videos for a 30-day record. *Mr. Pitassi* advised they are opposed to making the video system accessible to the Police Department in that it is a violation of the resident's privacy. *Contract Planning Manager Poland* recommended leaving Condition 131 as is and modifying Condition 132 to read "at the discretion of the Police Chief and Development Service Director, the surveillance video media may be remotely accessible to the Upland Police Department."

*Mr. Burum* reported he spoke with the Police Department and was advised it is a standard condition being putting on commercial properties. He believes the Police Department will be removing that request.

*Mr. Burum* expressed his excitement for the project and feels it will be a hallmark of the community.

*Chair Aspinall* closed the public hearing.

*Commissioner Caldwell* expressed her support for the project.

*Commissioner Anderson* expressed support for the project.

In response to *Chair Aspinall's* inquiry, *Mr. Burum* believes the best unit is on the north end.

Moved by *Vice Chair Schwary* to find that this Project will not involve new significant environmental effects or a substantial increase in the severity of significant effects already identified in the 2002 Certified EIR and approved 2018 Addendum. Therefore, no further environmental review is required; and move to adopt a Resolution for approval of Development Plan Review No. 20-0008 and Tentative Tract Map No. 20278, based upon the findings and subject to conditions of approval and resolution dated December 9, 2020, with the provision Condition 131 and 132 are agreed upon by the Police Chief of the Upland Police Department.

*Development Services Director Dalquest* recommends changing the verbiage in the Condition 131 to "a digital video surveillance system should be considered" and "the system should be able to make license plates discernable". He recommends changing verbiage in Condition 132 to "the surveillance video visual media may be remotely accessible to the Upland Police Department".

*Vice Chair Schwary* expressed his opposition to mandating the video surveillance system is automatically available to the Police Department. He would like the conditions removed upon the approval of the Upland Police Department.

The motion was seconded by *Commissioner Anderson*.

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The motion carried by the following vote (7-0):

AYES: Chair Aspinall, Vice Chair Schwary, Commissioners Anderson, Caldwell, Grahn, Mayer, and Shim

NAYS: None

ABSTAINED: None

ABSENT: None

**9. BUSINESS ITEMS**

None

**10. STUDY SESSION**

- A. **Part 3 -Planning Commissioner Training to provide an overview of land use laws as well as CEQA, Meeting Procedures, Brown Act, and Conflicts of Interest. (Isra Shah, Deputy City Attorney).**

The item was continued to the next regular meeting of the Planning Commission.

**11. COMMISSION COMMUNICATION**

*Vice Chair Schwary* wished the Planning Commission a Merry Christmas and a Happy New Year.

**12. ADJOURNMENT**

There being no further business to come before the Planning Commission, *Chair Aspinall* adjourned the meeting at 11:34 P.M., to the regular meeting of the Planning Commission on January 27, 2021, at 6:30 P.M.

Respectfully submitted,



Robert D. Dalquest, Secretary  
Upland Planning Commission